

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PROVINO, Plaintiff,
v.
MENDEZ III, ET AL., Defendants.Case No. 3:25-cv-00105-ART-CSD
ORDER DISMISSING CASE WITH
PREJUDICE
(ECF Nos. 4, 5, 8)

11 *Pro se* Plaintiff Provino filed this action against J.T. Mendez III, Barack
12 Obama, and Jeffrey E. Church alleging an interstate wire swindle. Provino has
13 filed an application to proceed in forma pauperis (IFP) (ECF No. 1) and *pro se*
14 complaint (ECF No. 1-1).

15 Magistrate Judge Craig Denney has issued a Report and Recommendation
16 (“R&R”) recommending that this Court dismiss this action with prejudice and
17 deny Provino’s application to proceed IFP because the complaint and other filings
18 “present fantastic and delusional allegations.” (ECF No. 8.) The Court takes
19 notice that Provino has filed previous frivolous lawsuits. *See e.g., Provino v.*
20 *Abbott*, No. 3:18-CV-00203-MMD-WGC, 2018 WL 2670410 (D. Nev. May 9,
21 2018), *report and recommendation adopted*, No. 3:18-CV-00203-MMD-WGC,
22 2018 WL 2606559 (D. Nev. June 1, 2018); *Provino v. Texas Govt*, No. 3:21-CV-
23 00427-MMD-CLB, 2021 WL 5851453 (D. Nev. Dec. 9, 2021); *Provino v. Wray*,
24 No. 3:23-CV-00211-MMD-CSD, 2023 WL 5612523 (D. Nev. Aug. 30, 2023);

25 The Court “may accept, reject, or modify, in whole or in part, the findings
26 or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where
27 a party fails to object to a magistrate judge’s recommendation, the Court is not
28 required to conduct “any review at all . . . of any issue that is not the subject of

1 an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v.*
2 *Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003); Fed. R. Civ. P. 72, Advisory
3 Committee Notes (1983) (providing that the Court "need only satisfy itself that
4 there is no clear error on the face of the record in order to accept the
5 recommendation."). "When a case may be classified as frivolous . . . there
6 is . . . no reason to grant leave to amend." *Lopez v. Smith*, 203 F.3d 1122, 1128
7 (9th Cir. 2000); *see also Provino v. U.S. DOJ*, No. 3:24-CV-00530-MMD-CSD,
8 2025 WL 1517836 (D. Nev. May 28, 2025) (dismissing case with prejudice)

9 Having reviewed the R&R and the record, the Court will adopt the R&R
10 (ECF No. 8) in full, deny Provino's IFP (ECF No. 4), and deny his remaining
11 motion (ECF No. 5) as moot.

12 IT IS THEREFORE ORDERED that Magistrate Judge Denney's Report and
13 Recommendation (ECF No. 8) is accepted and adopted in full.

14 IT IS FURTHER ORDERED that Plaintiff's pending application to proceed
15 IFP (ECF No. 4) is DENIED as moot.

16 IT IS FURTHER ORDERED that Plaintiff's Untitled Motion (ECF No. 5) is
17 DENIED as moot.

18 IT IS FURTHER ORDERED that this action is DISMISSED with prejudice.

19 IT IS FURTHER ORDERED that this case be administratively closed.

21 DATED THIS 18th Day of July, 2025.

23 
24 ANNE R. TRAUM
25 UNITED STATES DISTRICT JUDGE
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